UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/658,943	09/10/2003	Nicholas Simons	MSFT120206	3530

26389 7590 05/30/2008

CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC
1420 FIFTH AVENUE
SUITE 2800
SEATTLE, WA 98101-2347

EXAMINER	
TERMANINI, SAMIR	

ART UNIT	PAPER NUMBER
2178	

MAIL DATE	DELIVERY MODE
05/30/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/658,943	SIMONS ET AL.	
	Examiner	Art Unit	
	Samir Termanini	2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 February 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12,14-18,20-23 and 25* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12,14-18,20-23 and 25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *10 September 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

BACKGROUND

1. This Non-Final Office Action is responsive to the following communications: R.C.E. filed on 2/27/2008.

2. Claims 1-12, 14-18, 20-23 and 25 are pending in this case wherein claims 1, 14, 20, and 25 are independent in form.

RESPONSE TO AMENDMENT

3. Applicant's arguments addresing the previous prior art rejections under 35 U.S.C. §102(b) in view of Yennaco (U.S. Pat. No. 7,100,115 B1) are being maintained of Claims 1-12, 14-18, 20-23 are not persuasive. Therefore, these rejections are being maintained.

CLAIM REJECTIONS-35 U.S.C. §102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless -
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. **Claims 1-12, 14-18, 20-23, and 25** are rejected under 35 U.S.C. 102(b) as being anticipated by *Yennaco* (U.S. Pat. No. 7,100,115 B1).

I. Citation of Prior Art

A reference to specific paragraphs, columns, pages, or figures in a cited prior art reference is not limited to preferred embodiments or any specific examples[1]. It is well settled that a prior art reference, in its entirety, must be considered for all that it expressly teaches and fairly suggests to one having ordinary skill in the art[2]. Stated differently, a prior art disclosure reading on a limitation of Applicant's claim cannot be ignored on the ground that other embodiments disclosed were instead cited. Therefore, the Examiner's citation to a specific portion of a single prior art reference is not intended to exclusively dictate, but rather to demonstrate an exemplary disclosure commensurate with the specific limitations being addressed.

II. General Discussion of the Applied Prior Art.

Yennaco discloses a method of managing context-sensitive help data for a computer system. It includes displaying a plurality of program components to a user for

---

[1] *In re Heck*, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting *In re Lemelson*, 397 F.2d 1006, 1009, 158 USPQ 275, 277 (CCPA 1968).

[2] *Upsher-Smith Labs. v. Pamlab, LLC,* 412 F.3d 1319, 1323, 75 USPQ2d 1213, 1215 (Fed. Cir. 2005); *In re Fritch*, 972 F.2d 1260, 1264, 23 USPQ2d 1780, 1782 (Fed. Cir. 1992); *Merck & Co. v. Biocraft Labs., Inc.*, 874 F.2d 804, 807, 10 USPQ2d 1843, 1846 (Fed. Cir. 1989); *In re Fracalossi,* 681 F.2d 792, 794 n.1, 215 USPQ 569, 570 n.1 (CCPA 1982); *In re Lamberti,* 545 F.2d 747, 750, 192 USPQ 278, 280 (CCPA 1976); *In re Bozek,* 416 F.2d 1385, 1390, 163 USPQ 545, 549 (CCPA 1969).

interaction, retrieving from a first memory area having a first access time first help data corresponding to a first of the components, where the first component is not interacted with by the user. Then the system stores the first help data in a second memory area having a quicker access time than the first access time. Subsequent to storing the first help data, the system determines whether the user has interacted with the first component, and responsive to the determination, retrieve the first help data from the second memory area and display the first help data to the user.

Figure 2 is reproduced below:

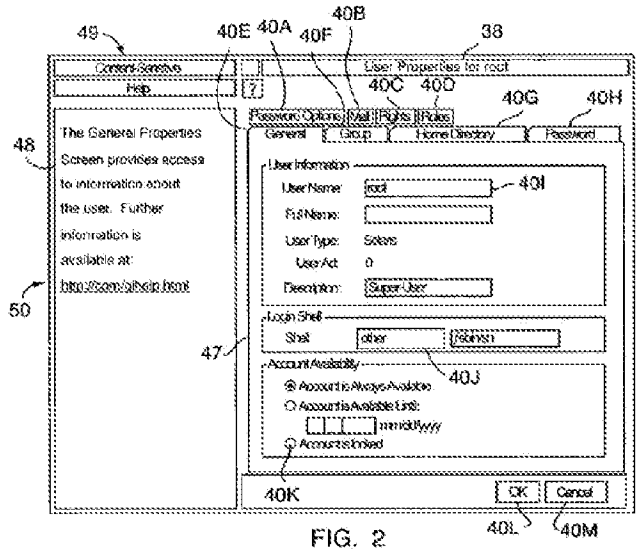

FIG. 2

III. Prior Art Anticipation of Claimed Limitations.

As to independent **claim 1**, *Yennaco* describes: a computer-implemented method for processing featured content ("...content-sensitive help data...," col. 8, line 64)

on a client computer, the client computer having an operating system, the operating system including a system registry (see fig. 1), the system registry containing

information about computer configuration that the operating system continuously references during operation, the information including tile applications installed on the computer, the types of documents creatable by the applications, the properties of folders and program icons, and the hardware configuration ("...i.e., data members, sometimes known as object properties...;" col. 4, lines 45-55), the method comprising: generating ("creating" col. 13, line 45), without user a database query for featured content items ("to view an entire index, the user can do so. In one version of context sensitive help, the help information is automatically and constantly rendered, that is, displayed on the user's screen," col. 1, lines 43-46), the featured content items having information focused on a specific topic ("has a corresponding context-sensitive help " col. 7, line 36); receiving featured content items in response to the database query ("also receives a plurality of help data identifiers 156 corresponding to a plurality of context-sensitive help data 49 " col. 8, lines 14-16); storing the featured content items in memory ("Retrieving the remaining help data 49 and storing the help data in the cache 152, or preloading, is preferably performed in a background task" col. 8, lines 5-7); selecting a predetermined number of featured content items from the featured content items stored in memory and storing the selected featured content items in a system registry ("Thus, when the help data 49 having an identifier in the registry 170 is first rendered, the help data corresponding to the other identifiers of the registry is loaded into the cache 152 from memory that has an access time that is greater than that of the cache 152, such as from remote memory 36. Thus related help data 49 can be preloaded into the cache 152, that is, loaded without the user having referred to the component 140 to which the help

data pertains." col. 7, lines 45-55); and in response to receiving a command from a software application to display at least one featured content item (see col. 7, lines 30-55), without user input ("152, that is, loaded without the user having referred to the component 140 to which the help data pertains." col. 7, lines 52-55).

As to dependent **claim 2**, which depends from claim 1, *Yennaco* further discloses: the method of Claim 1, wherein the featured content items contain hyperlinks and text data associated with the hyperlinks ("Referring to FIG. 2, help data 49 may contain references and hyperlinks to other documents or information, such as a hypertext link 50, as is well known in the art." col. 10, lines 50-55).

As to dependent **claims 3, 7, and 10-11**, which depend from claim 1, *Yennaco* further discloses: the method of Claim 1, wherein selecting a predetermined number of featured content items includes randomly, or based on a rating, selecting three featured content items from the featured content items stored in memory ("user, For example, the cache manager 66 can remove the oldest help data from the cache 66 to make room for new help data, Thus, in this practice, the cache operates according to the assumption that the help data 49 most likely to be next requested by the user is help data which has already been requested by the user." col. 6, lines 39-44). See element 156 in Fig. 6 below for the three featured content items:

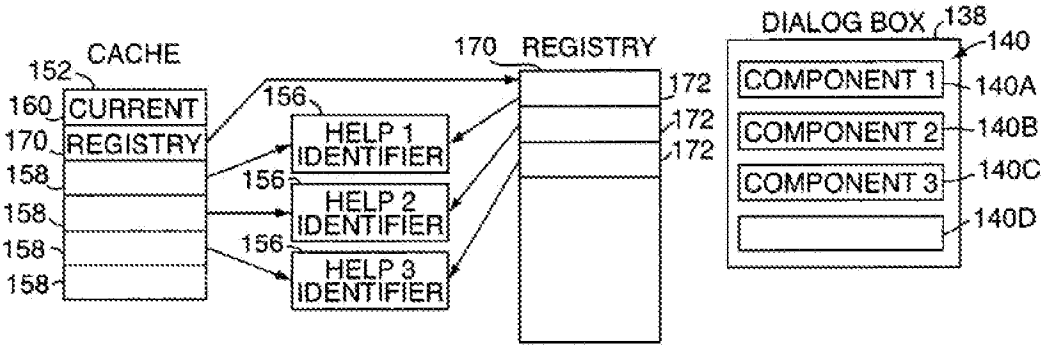

FIG. 6

As to dependent **claims 4 and 8**, which depend from claim 1, *Yennaco* further discloses: the method of Claim 1, wherein the method further comprises: determining if at least one featured content item is stored in the system registry; if no featured content items are stored in the system registry, selecting a predetermined number of default items from a list of default items stored in memory ; and displaying the data of the default items on a graphical user interface ("Proceeding to decision block 322, the cache manager 66 checks if all help data identifiers 172 in the registry 170 have been processed. If all help data identifiers 172 have been processed, the cache manager 66 task is complete, and the background thread terminates. Otherwise, in block 324, the cache manager 66 gets the next content-sensitive help data identifier 172 from the registry 170, and in proceeding to decision block 326, determines whether the help data identifier is stored in the cache 152." col. 8, lines 58-67) .

As to dependent **claims 5 and 9,** which depend from claim 1, *Yennaco* further discloses: the method of Claim 1, wherein the displayed featured content items provide instruction for operating a software application ("program execution" col. 8, line 9).

As to dependent **claim 6**, which depends from claim 1, *Yennaco* further discloses: the method of Claim 1, wherein the displayed featured content items include data that form an example search string, wherein the example search string is displayed on the graphical user interface with a text entry field for receiving search strings ("to enter a search keyword for particular help. Rather, help information is presented that focuses on that aspect of the program being currently used by the user. Of course, should the user desire to search the entire help database or to view an entire index, the user can do so." col. 1, lines 38-44).

As to multidependent claim 12, *Yennaco* further discloses: a computer-readable medium containing computer-readable instructions which, when executed by a computer perform the method of any one of Claims 1- 11 ("computer readable medium associated with the computer system 10." col. 3, lines 62-63).

As to independent **claim 14**, *Yennaco* further describes in response to receiving a request for a hypertext document containing information that describes a topic (e.g. "related help data," col. 7, line 51), generating without user input, a database query for a number of featured content items, wherein the query is configured with an identifier associated with the topic ("a plurality of help data identifiers 156 corresponding to a plurality of context-sensitive help data 49. The components 138 corresponding to the help data identifiers 156 are related to each other, such as being included in the same dialog box 138. Proceeding to block 302, the first time the cache is referred to during registry initialization, the cache manager 66 creates the registry 170 by expanding the cache 152. Proceeding to block 304, the cache manager 66 stores the help data identifier

156 and other related context-sensitive help data identifiers in the registry in the cache. In block 306, the cache manager 66 receives a request for a context- sensitive help data 49 and receives the associated help data identifier 156 from an event handler.," col. 8, lines 15-29); receiving featured content items in response to the database query; determining if the number of received featured content items is greater than a predetermined number of featured content items; and if the number of received featured content items is greater than the predetermined number of featured content items formatting said hypertext document to include at least one featured content item for display, the hypertext document being formatted to display the data of the content item with the contents of the hypertext document:

> Referring to FIG. 2, help data 49 may contain references and hyperlinks to other documents or information, such as a hypertext link 50, as is well known in the art. Help data displayed by selecting the hypertext link 50 in the help data 49 of FIG. 2 may contain additional hyperlinks to other related help data. To promote faster presentation to a user, the hyperlinked accessed help data should be managed by the cache manager 66 and preloaded into a cache 152. Of course, selecting one of the additional hyperlinks may display further embedded help data related hyperlinks which also have help data which should be preloaded into a cache, and so on. While the help data cache or caches are managed by the cache manager, a hyperlink manager tracks the use of hyperlinks to permit forward and backward navigation of the hyperlinks. The cache manager 66 may be employed by the hyperlink manager to optimize retrieval of such hyperlink help data 49 by preloading the help data for a hyperlink before the hyperlink is selected, as described above.

(col. 10, lines 50-67) .

As to dependent **claim 15**, which depends from claim 14, *Yennaco* further discloses: the method of Claim 14, wherein the method further comprises: formatting said hypertext document (e.g., "HTML" col. 12, lines 8) without the featured content items if the number of received featured content items is not greater than the predetermined number of featured content items ("deter-mines whether there is space

158 available to store the retrieved component help data attributes including the help data 49, the time the help data was stored and last accessed, and help data identifier 156 in the cache 152." col. 9, lines 8-14).

As to dependent **claim 16**, which depends from claim 14, *Yennaco* further discloses: the method of Claim 14, determining if one or more of the featured content items has a priority status, selecting a predetermined number of featured content items having a priority status for display ("...component help data attributes for determining the availability and status of help data for a particular dialog or application. ," col. 13, lines 45-51)(emphasis added).

As to dependent **claim 17**, which depends from claim 14, *Yennaco* further discloses: the method of Claim 14, wherein the query is configured with a database attribute to filter featured content items based on a value indicative of a rating associated with an individual featured content item ("deleting the least recently requested help data" clm. 3).

As to multidependent **claim 18** this claim differs from claim 14-17 only in that it is directed to a product defined for using the method of claims 14-17. Accordingly, this claim is rejected for the same reasons set forth in the treatment of claim 14-17, above.

As to **claims 20-22**, *Yennaco* describes: a method for updating a database of featured content items comprising: determining without user input, if the featured content item is highly rated ("is first rendered, the help data corresponding to the other

identifiers of the registry is loaded into the cache 152 from memory that has an access time that is greater than that of the cache 152, such as from remote memory 36. Thus related help data 49 can be preloaded into the cache 152, that is, loaded without the user having referred to the component 140 to which the help data pertains.," col. 7, lines 45-55) ; if the featured content item has expired, modifying the attribute to indicate that the featured content item is not of interest;

> a plurality of help data identifiers 156 corresponding to a plurality of context-sensitive help data 49. The components 138 corresponding to the help data identifiers 156 are related to each other, such as being included in the same dialog box 138. Proceeding to block 302, the first time the cache is referred to during registry initialization, the cache manager 66 creates the registry 170 by expanding the cache 152. Proceeding to block 304, the cache manager 66 stores the help data identifier 156 and other related context-sensitive help data identifiers in the registry in the cache. In block 306, the cache manager 66 receives a request for a context- sensitive help data 49 and receives the associated help data identifier 156 from an event handler.

(col. 8, lines 15-29); and if the featured content item has not expired and if the featured content item is highly rated, modifying the attribute to indicate that the featured content item is of interest ("the cache manager 66 deletes the oldest help data and related data, such as the help data identifier 56, from the cache. Proceeding to block 220, the ache manager 66 stores the new help data 49 in the cache 52, where it is available for quick rendering if the user again refers to the component 138 corresponding to the help data.," col. 7, lines 20-30) .

As to dependent **claim 22**, which depends from claim 20, *Yennaco* further discloses: the method of Claim 20, further comprising: determining if the featured content item has been displayed more than a predetermined number of times and if the featured content item has not expired and if the featured content item has been displayed more than a predetermined number of times, modifying the attribute to

indicate that the featured content item is of interest ("the oldest help data is deleted until there is sufficient space available to store the retrieved help data 49. Continuing to block 316, the retrieved help data 49 is stored in the cache 152, and in a step 318, the help data is rendered, or presented, for the user. Note that the application program or other functional means can present the help data to the user, rather than the cache manager. Such a variation is considered within the scope of the invention." col. 8, lines 45-54).

As to multidependent **claim 23,** this claim differs from claims 20-22 only in that it is directed to a product defined by the processes of claim 20-22. Accordingly, this claim is rejected for the same reasons set forth in the treatment of claim 20-22, above.

As to independent **claim 25**, *Yennaco* describes: a computer-implemented method for processing featured content on a client computer, the client computer having an operating system, ("...the computer system 10." col. 3, lines 62-63) the operating system including a system registry, the system registry containing information about computer configuration that the operating system continuously references during operation, ("Thus, when the help data 49 having an identifier in the registry 170 is first rendered, the help data corresponding to the other identifiers of the registry is loaded into the cache 152 from memory that has an access time that is greater than that of the cache 152, such as from remote memory 36. Thus related help data 49 can be preloaded into the cache 152, that is, loaded without the user having referred to the component 140 to which the help data pertains." col. 7, lines 45-55); the information including the user profiles, the applications installed on the computer, the

types of documents creatable by the applications, the properties of folders and program icons, and the hardware configuration ("...i.e., data members, sometimes known as object properties...;" col. 4, lines 45-55), the method comprising: determining if at least one featured content item is stored in the system registry; if no up-to-date featured content items stored in the local memory, removing the featured content items from the local memory ("user, For example, the cache manager 66 can remove the oldest help data from the cache 66 to make room for new help data, Thus, in this practice, the cache operates according to the assumption that the help data 49 most likely to be next requested by the user is help data which has already been requested by the user." col. 6, lines 39-44).

RESPONSE TO ARGUMENTS

6. Applicant arguments, filed 2/27/2008, with respect to the 35 U.S.C. §102 Rejections made are not persuasive in view of the grounds of rejection discussed above.

Applicant argues (at pg. 13):

> Thus, Yennaco's registry is a registry stored in a cache and stores data identifiers 156, but not the help data itself (which can be equated to featured content items stored in Claim 1's system registry). Clearly, Yennaco's memory structure utilized to store and manipulate help data is structurally different from the system registry of Claim 1 in that it includes a cache 152 to store help data aBd a registry 170 to store help data identi tiers that, in effcct, point to the location of help items. Therefore, Yennaco's registry 170 cannot be equated to Claim 1's system registry because it does not store featured items for display.

In response the examiner points to the following teaching that describes the corresponding help data also being stored:

> In FIG. 3, the cache 52 stores help data identifiers 56 and corresponding help data for the components 40A D of the dialog box 38. Because space is typically limited in the cache memory 52, the cache does not typically store help data and an identifier for every component of the dialog box 38.

(col. 6, lines 14-29)(emphasis added).

Applicant argues (at pg. 13) that the cited reference is lacking the step of :

> determining if individual featured content items are out of date; and if individual featured content items are out of date, removing the individual featured content items from the local memory." Claim 3 recites "randomly selecting three featured content items

However, as discussed above, this feature was taught in col. 6, lines 39-44 and by element 156 in Fig. 6

> [F]or example, the cache manager 66 can remove the oldest help data from the cache 66 to make room for new help data, Thus, in this practice, the cache operates according to the assumption that the help data 49 most likely to be next requested by the user is help data which has already been requested by the user.

Applicant argues (at pg. 9):

> Yennaco also does not disclose that if a femured content has expired, modifying the attribute to indicate that the featured content item is not of interest; much less if the featured content item has not expired m~d if the featured content item is highly rated, modifying the attribute to indicate that the featured content item is of interest.

However, as discussed above, this feature was taught in the following passage:

> …is first rendered, the help data corresponding to the other identifiers of the registry is loaded into the cache 152 from memory that has an access time that is greater than that of the cache 152, such as from remote memory 36. Thus related help data 49can be preloaded into the cache 152, that is, loaded without the user having referred to the component 140 to which the help data pertains.

(col. 7, lines 45-55).

CONCLUSION

7. All prior art made of record in this Office Action or as cited on form PTO-892 notwithstanding being relied upon, is considered pertinent to applicant's disclosure. Therefore, Applicant is required under 37 CFR §1.111(c) to consider these references fully when responding to this Office Action.

8. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Samir Termanini at telephone number is (571) 270-1047. The Examiner can normally be reached from 9 A.M. to 6 P.M., Monday through Friday.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Stephen S. Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Samir Termanini/
Examiner, Art Unit 2178

/Stephen S. Hong/
Supervisory Patent Examiner, Art Unit 2178